

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants- Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (U/s) (now Expired) Mandal Praja Parishad, Udayagiri, SPSR Nellore District - Disciplinary action initiated - Charges framed - Enquiry Officer and presenting officer appointed - Enquiry conducted - Misappropriation Proved - Expired on 18.11.2012 - Further action abated - Recover misappropriate amount of Rs.7,69,045/- from pensionary benefits - As per Rule 9(7) of APRPRS,1980 - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.Rt.No. 1631

Dated:18.10.2013.
Read the followings:

1. Proceedings R.C.No.D1/1209/06, dated:25.04.2006 of the District Collector, SPSR Nellore Dist.
2. Charge Memo.RC.No.D1/1209/2006, Dated:15.12.2006 of the CEO., ZPP., SPSR Nellore Dist.
3. Proceedings No.6452/CPR&RE/A1/2006, dt:04.08.2007 of the CPR&RE., Hyd.
4. From the CEO., ZPP., SPSR Nellore Dist., Lr.No.RC.No.D1/1209/2006, dt:11.02.2008.
5. Memo.No.6452/CPR&RE//A1/2006, dated:11.03.2008 of the CPR&RE., Hyd.
6. Explanation of the C.Os., dated:08.04.2008.
7. From the CPR&RE., Lr.No.6452/CPR7RE/A1/2006, dt:26.01.2009.
8. G.O.Rt.No.62, PR&RD, (Vig.IV) Dept., dated: 18.01.2010.
9. Orders Dated:10.11.2010 of the Hon'ble APAT., in O.A.No.356/2010.
10. G.O.Rt.No.230, PR&RD., (Vig.IV) Dept., dated:19.02.2011.
11. From the CEO., ZPP., SPSR Nellore Dist., Lr.No.RC.No.D1/1209/2006, dt:17.09.2011.
12. Govt., Memo.1927/Vig.IV/A2/2009-3, dt:09.01.2013.
13. From the CPR&RE., Lr.No.6452/CPR7RE/A1/2006, dt:28.06.2013.

ORDER:

In the reference 1st read above, the District Collector, SPSR Nellore District, placed Sri P. Mallikarjuna Rao, Mandal Parishad Development Officer, Udayagiri Mandal, Nellore District, under suspension on the allegations that the Mandal Parishad Development Officer, had misused the pension amounts related to the Old Age and Widow Pensions.

2. In the reference 2nd read above, the Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District, has framed article of charges against Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (U/s) Mandal Praja Parishad, Udayagiri, SPSR Nellore District, as he had committed certain irregularities while working at Mandal Praja Parishad, Duttalur, SPSR Nellore District.

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3. In the reference 3rd read above, the Commissioner, Panchayat Raj & Rural Employment, has appointed the Chief Executive Officer, Zilla Praja Parishad, Nellore District, as Inquiry Officer and Deputy Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District, as Presenting Officer for conducting inquiry into the charges framed against Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (U/s) Mandal Praja Parishad, Udayagiri, SPSR Nellore District.

4. In the reference 4th read above, the Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District, (Inquiry Officer) has submitted his report held that all the charges proved against Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (Under suspension) Mandal Praja Parishad, Udayagiri, SPSR Nellore District. In the reference 5th read above, the inquiry report has been communicated to Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (Under suspension) (now Expired) Mandal Praja Parishad, Udayagiri, SPSR Nellore District, and obtained his explanation on the inquiry report vide reference 6th read above.

5. In the reference 7th read above, the Commissioner, Panchayat Raj & Rural Employment, has submitted the report to the Government stating that after careful examination of the Inquiry report and explanation of the individual, and found that in all the charges framed against the delinquent officer on misappropriation/ negligence is proved. Hence, he has proposed that, the individual is liable for dismissal from service in view of the instructions issued in G.O.Ms.No.25 General Administration(Ser.C)Department,dated:03.02.2004, as misappropriation is proved.

6. In the reference 8th read above, the Government, have issued orders for dismissing from the service to Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (Under suspension) (now Expired) Mandal Praja Parishad, Udayagiri, SPSR Nellore District from service.

7. Aggrieved by the orders of the Government, Sri P.Mallikarjuna Rao, has filed an O.A.No.356/2010 in the Andhra Pradesh Administrative Tribunal, challenging the said orders. In the reference 9th read above, the Hon'ble Andhra Pradesh Administrative Tribunal, has ordered as follows:
"Having regard to the facts and circumstances obtaining in this case, the impugned GO.Rt.No.62 OR&RD (Vilg.IV) Deptt., dated: 18-1-2010 is contrary to Rule-20 of APCS(CC&A) Rule: and is, hereby, set side. However, this order does not preclude the authorities to conduct the enquiry strictly in accordance with Rule-20 of APCS (CC&A) Rules."

8. In the reference 10th read above, the Government have issued orders to the suspension of the individual has been continued and the orders have been issued to the Commissioner, Panchayat Raj and Rural Employment to conduct the enquiry strictly in accordance with Rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules,1990.

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9. In the reference 11th read above, the Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District, (Inquiry Officer) has submitted his report held that all the charges proved against Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (U/s) (now Expired) Mandal Praja Parishad, Udayagiri, SPSR Nellore District. In the reference 12th read above, the inquiry report has been communicated through the Commissioner, Panchayat Raj & Rural Employment, to Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, (U/s) (now Expired) Mandal Praja Parishad, Udayagiri, SPSR Nellore District, and directed to submit his representation on the inquiry report with in 15 days.

10. In the reference 13th read above, the Commissioner, Panchayat Raju & Rural Employment, has stated that, the Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District, has informed that, the Delinquent Officer was expired on 18.11.2012 and the misappropriated amount will be recovered from the deceased officer's pensionary benefits.

11. Government, after careful examination of the matter, have decided to abate further action against Late P.Mallikarjuna Rao, former Mandal Parishad Development Officer, Mandal Praja Parishad, Udayagiri, SPSR Nellore District, and to recover the misappropriated amount of Rs.7,69,045/- (Seven Lakhs Sixty Nine thousand and Forty Five Rupees Only) from the pensionary benefits of the deceased employee as per Rule-9(7) of A.P. Revised Pension Rules, 1980.

12. Accordingly, Government hereby order to abate further action against Late P.Mallikarjuna Rao, former Mandal Parishad Development Officer, Mandal Praja Parishad, Udayagiri, SPSR Nellore District and to recover the misappropriated amount of Rs.7,69,045/- (Seven Lakhs Sixty Nine thousand and Forty Five Rupees Only) from the pensionary benefits of the deceased employee as per Rule-9(7) of A.P. Revised Pension Rules, 1980.

13. The Commissioner, Panchayat Raj & Rural Employment,/ Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District, shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To
The Commissioner, Panchayat Raj &
Rural Employment, Hyderabad

Copy to

The Chief Executive Officer,
Zilla Praja Parishad, SPSR Nellore District.
The Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
The P.S. to Hon'ble Minstar (Panchayat Raj & Rural Water Supply)
Sf/Sc.

//FORWARDED BY :: ORDER//

SECTION OFFICER